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-- REMARKS --

Claims 1, 2, 4-8, and 15-27 are currently pending. Claims 1, 18 and 27 have been amended. No new matter has been added with the amendment. All rejections on the merits are traversed herein.

- A. Claims 1, 5-8, 15, 18, 21-24 and 26 were rejected under 35 U.S.C. 103(a) as being unpatentable over Douglas or Lastovich, et al., in view of Connelly, et al., and in further view of Fleming, et al. or Cirelli, et al.

The Examiner's rejection of claim 1, 5-8, 15, 18, 21-24 and 26 under 35 U.S.C. 103(a) is traversed.

As the Examiner is well aware, in order to make a *prima facie* case of obviousness under § 103(a), all of the *claimed* elements of the invention must be taught or suggested by the prior art (MPEP § 2143.03). In other words, obviousness cannot be established by combining the teaching of prior art to produce the claimed invention, absent some teaching or suggestions supporting the combination. Under Section 103, teachings can be combined only if there is some suggestion or incentive to do so. *ACS Hospital Systems, Inc. v. Montefiore Hospital*, 732 F.2d 1572, 1577 (Fed. Cir. 1984).

Neither of the primary references of Douglas nor Lastovich teach or suggest, at least, the claim limitations of a subcutaneous infusion device, having a *flexible delivery tube that includes a central lumen and a plurality of needle openings* as recited in claims 1 and 18. Additionally, neither of these references teach a plurality of needles each needle having a first portion having a communication end, the first portion disposed within the central lumen of the flexible delivery tube and a second portion having an open end for penetrating skin and delivering fluid from the central lumen to a subcutaneous tissue, the second portion perpendicular to the first portion and extending through one of the plurality of needle openings and extending substantially perpendicular to the support base and in communication with the central lumen of the delivery tube, as recited in claims 1 and 18.

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At most, Douglas teaches a device having a plurality of micro-machined projections 110 formed from semiconductor material and attached to an etched part 116 to form a plenum 114 (see col. 4 lines 22-26, 43-46). At most, Lastovich teaches a dermal-access member 14 in fluid communication with a protrusion 32 in fluid communication with a fluid channel 22 (see col. 7 lines 41-46). Furthermore, neither Douglas nor Lastovich in view of Connelly, and in further view of Fleming or Cirelli cure these defects. None of these references, alone or in combination teach or suggest all of the claim limitations of independent claims 1 and 18. For at least this reason the rejection of claims 1 and 18 must fall.

Claims 5-8, 15, 21-24 and 26 depend directly from either independent claim 1 or 18, and include all of the limitations of their respective independent claims. Thus, claims 5-8, 15, 21-24 and 26 are patentable for at least the same reasons as claims 1 and 18. For these reasons, the Applicant requests the withdrawal of the rejections of claims 1, 5-8, 15, 18, 21-24 and 26 under 35 U.S.C. 103(a).

B. Claims 2 and 19 were rejected under 35 U.S.C. 103(a) as being unpatentable over Douglas or Lastovich, et al, in view of Connelly, et al., or Fleming, et al. or Cirelli, et al. and in further view of Bierman, et al.;

The Applicant has thoroughly considered the Examiner's remarks concerning the patentability of claims 2 and 19. The Applicant traverses this 35 U.S.C. §103(a) rejection. Claim 2 depends from independent claim 1 and claim 19 depends from independent claim 18, both claims including all of the limitations of their respective independent claim. Thus, claims 2 and 19 are allowable over Douglas or Lastovich, in view of Connelly, or Fleming, or Cirelli, and in further view of Bierman, for at least the same reasons as stated above for claims 1 and 18. Furthermore, as the Examiner is well aware, where an independent claim is non-obvious, any claim depending therefrom is also non-obvious. See, MPEP 2143. Applicants, therefore, request the withdrawal of the rejection of dependent claims 2 and 19 under § 103(a).

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- C. Claims 4 and 20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Douglas or Lastovich, et al, in view of Connelly, et al., or Fleming, et al. or Cirelli, et al. and in further view of Goldowsky

The Applicant has thoroughly considered the Examiner's remarks concerning the patentability of claims 4 and 20. The Applicant traverses this 35 U.S.C. §103(a) rejection. Claim 4 depends from independent claim 1 and claim 20 depends from independent claim 18, both claims including all of the limitations of their respective independent claim. Thus, claims 4 and 20 are allowable over Douglas or Lastovich, in view of Connelly, or Fleming, or Cirelli, and in further view of Goldowsky, for at least the same reasons as stated above for claims 1 and 18. Furthermore, as the Examiner is well aware, where an independent claim is non-obvious, any claim depending therefrom is also non-obvious. *See*, MPEP 2143. Applicants, therefore, request the withdrawal of the rejection of dependent claims 4 and 20 under § 103(a).

- D. Claims 16, 17, 25 and 27 were rejected under 35 U.S.C. 103(a) as being unpatentable over Douglas or Lastovich, et al, in view of Connelly, et al., or Fleming, et al. or Cirelli, et al. and in further view of Hazel, et al.

The Applicant has thoroughly considered the Examiner's remarks concerning the patentability of claims 16, 17, 25 and 27. The Applicant traverses this 35 U.S.C. §103(a) rejection. Claims 16 and 17 depend from independent claim 1 and claims 25 and 27 depend from independent claim 18, both claims including all of the limitations of their respective independent claim. Thus, claims 16, 17, 25 and 27 are allowable over Douglas or Lastovich, in view of Connelly, or Fleming, or Cirelli, and in further view of Hazel, for at least the same reasons as stated above for claims 1 and 18. Furthermore, as the Examiner is well aware, where an independent claim is non-obvious, any claim depending therefrom is also non-obvious. *See*, MPEP 2143. Applicants, therefore, request the withdrawal of the rejection of dependent claims 16, 17, 25 and 27 under § 103(a).

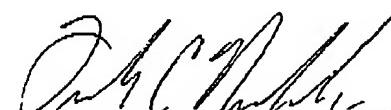
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SUMMARY

Applicant believes that the application is in condition for allowance. Reconsideration and notification of allowance are respectfully requested.

Dated: **February 28, 2006**

Respectfully submitted,
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